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Attorneys for Defendants

CARLTON HELM, CHRISTINA HALL, KELLY PAUOLE, JAMIE WINFREY,  
HAROLD MANAOIS, KAENA BROWN AND COUNTY OF MAUI

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE KAAPUNI; JON)  
HANS KAAPUNI, SR., PAMELA)  
NOHOLANI KAAPUNI, JON HANS)  
KAAPUNI, JR., FALLON KALANIKIEKIE)  
KAAPUNI, and TYRAH NOHOLANI)  
KAAPUNI by her best friend JON)  
HANS KAAPUNI, SR., )

Plaintiffs, )

vs. )

CARLTON HELM, in his individual)  
capacity; STAG SAGARIO, in his)  
individual capacity, CHRISTINA)  
WILLIAMS, in her individual)  
capacity, KELLY ARLOS, in his)  
individual capacity, JAMIE)  
WINFREY, in her individual)  
capacity, HAROLD MANAOIS, in his)  
individual capacity, KEANA BROWN, )  
in her individual capacity, and )  
the COUNTY OF MAUI, )

Defendants. )

CIVIL NO. CV 04-00449 SOM LEK  
(Non-Motor Vehicle Tort)

DEFENDANTS' PROPOSED SPECIAL  
VERDICT FORM; CERTIFICATE OF  
SERVICE

Trial Date: June 14, 2006

Time: 9:00 a.m.

Judge: Hon. Susan Mollway

**PROPOSED SPECIAL VERDICT FORM**

1) Have Plaintiffs proven by a preponderance of the evidence that the police failed to announce their presence and their intent to execute a search warrant before breaking Plaintiffs' door?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to question 1, go on to question 2. If you answered no to question 1, please sign and date the verdict form and inform the Court that you have reached a verdict.

2) Have Plaintiffs proven by a preponderance of the evidence that Officer Carlton Helm broke Plaintiffs' door?

YES \_\_\_\_\_ NO \_\_\_\_\_

Go to question 3.

3) Have Plaintiffs proven by a preponderance of the evidence that Officer Jamie Winfrey broke Plaintiffs' door?

YES \_\_\_\_\_ NO \_\_\_\_\_

Go to question 4.

4) Have Plaintiffs proven by a preponderance of the evidence that Officer Kaena Brown broke Plaintiffs' door?

YES \_\_\_\_\_ NO \_\_\_\_\_

Go to question 5.

5) Have Plaintiffs proven by a preponderance of the evidence that Officer Harold Manaois broke Plaintiffs' door?

YES \_\_\_\_\_ NO \_\_\_\_\_

Go to question 6.

6) Have Plaintiffs proven by a preponderance of the evidence that Officer Kelly Pauole broke Plaintiffs' door?

YES \_\_\_\_\_ NO \_\_\_\_\_

Go to question 7.

7) Have Plaintiffs proven by a preponderance of the evidence that Officer Christina Williams broke Plaintiffs' door?

YES \_\_\_\_\_ NO \_\_\_\_\_

Go to question 8.

8) Enter the dollar amount of damages Plaintiffs have proven that they are entitled to by a preponderance of the evidence. If Plaintiffs have not proven any damages, enter "0".

DAMAGES \_\_\_\_\_

Go to question 9.

9) Have Plaintiffs proven by a preponderance of the evidence that Defendant Officer Carlton Helm's conduct was malicious, oppressive or in reckless disregard of the plaintiffs' rights?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to question 9, go on to question 10. If you answered no to question 9, go to question 11.

10) Enter the dollar amount of punitive damages you award Plaintiffs against Defendant Officer Carlton Helm.

PUNITIVE DAMAGES \_\_\_\_\_

Go to question 11.

11) Have Plaintiffs proven by a preponderance of the evidence that Defendant Officer Jamie Winfrey's conduct was malicious, oppressive or in reckless disregard of the plaintiffs' rights?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to question 11, go on to question 12. If you answered no to question 11, go to question 13.

12) Enter the dollar amount of punitive damages you award Plaintiffs against Defendant Officer Jamie Winfrey.

PUNITIVE DAMAGES \_\_\_\_\_

Go to question 13.

13) Have Plaintiffs proven by a preponderance of the evidence that Defendant Officer Kaena Brown's conduct was malicious, oppressive or in reckless disregard of the plaintiffs' rights?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to question 13, go on to question 14. If you answered no to question 13, go to question 15.

14) Enter the dollar amount of punitive damages you award Plaintiffs against Defendant Officer Kaena Brown.

PUNITIVE DAMAGES \_\_\_\_\_

Go to question 15.

15) Have Plaintiffs proven by preponderance of the evidence that Defendant Officer Harold Manaois' conduct was malicious, oppressive or in reckless disregard of the plaintiffs' rights?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to question 15, go on to question 16. If you answered no to question 15, go to question 17.

16) Enter the dollar amount of punitive damages you award Plaintiffs against Defendant Officer Harold Manaois.

PUNITIVE DAMAGES \_\_\_\_\_

Go to question 17.

17) Have Plaintiffs proven by preponderance of the evidence that Defendant Officer Kelly Pauole's conduct was malicious, oppressive or in reckless disregard of the plaintiffs' rights?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to question 17, go on to question 18. If you answered no to question 17, go to question 19.

18) Enter the dollar amount of punitive damages you award Plaintiffs against Defendant Officer Kelly Pauole.

PUNITIVE DAMAGES \_\_\_\_\_

Go to question 19.

19) Have Plaintiffs proven by a preponderance of the evidence that Defendant Officer Christina Williams' conduct was malicious, oppressive or in reckless disregard of the plaintiffs' rights?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to question 19, go on to question 20. If you answered no to question 19, please sign and date the verdict form and inform the court that you have reached a verdict.

20) Enter the dollar amount of punitive damages you award Plaintiffs against Defendant Officer Christina Williams.

PUNITIVE DAMAGES \_\_\_\_\_

Please sign and date the verdict form and inform the court that you have reached a verdict.

DATED: Honolulu, Hawaii, \_\_\_\_\_.

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FOREPERSON

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE KAAPUNI; JON)	CIVIL NO. CV 04-00449 SOM LEK
HANS KAAPUNI, SR., PAMELA)	(Non-Motor Vehicle Tort)
NOHOLANI KAAPUNI, JON HANS)	
KAAPUNI, JR., FALLON KALANIKIEKIE)	CERTIFICATE OF SERVICE
KAAPUNI, and TYRAH NOHOLANI)	
KAAPUNI by her best friend JON)	
HANS KAAPUNI, SR., )	
)	
Plaintiffs, )	
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vs. )	
)	
CARLTON HELM, in his individual)	
capacity; STAG SAGARIO, in his)	
individual capacity, CHRISTINA)	
WILLIAMS, in her individual)	
capacity, KELLY ARLOS, in his)	
individual capacity, JAMIE)	
WINFREY, in her individual)	
capacity, HAROLD MANAOIS, in his)	
individual capacity, KEANA BROWN,)	
in her individual capacity, and)	
the COUNTY OF MAUI, )	
Defendants. )	
)	
)	

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document was duly served on June 6, 2006, upon the following parties:

Arthur E. Ross, Esq.	<u>Email/Fax</u>	<u>U.S. Mail</u>
126 Queen Street, Suite 210	XX	
Honolulu, Hawaii 96813		
 Rory Soares Toomey, Esq.		XX
1088 Bishop Street, Suite 1004		
Honolulu, Hawaii 96813		
(Attorneys for Plaintiffs)		

DATED: Wailuku, Maui, Hawaii, June 6, 2006.

BRIAN T. MOTO  
Corporation Counsel  
Attorney for Defendants  
CARLTON HELM, CHRISTINA HALL,  
KELLY PAUOLE, JAMIE WINFREY,  
HAROLD MANAOIS, KAENA BROWN AND  
COUNTY OF MAUI

By/s/ Moana M. Lutey  
MOANA M. LUTEY  
Deputy Corporation Counsel